

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

SUPREME COURT CASE NO: 05-555

INQUIRY CONCERNING A JUDGE
NO. 04-455, JUDGE JOHN R. SLOOP

- - - - -

Altamonte Springs, Florida

September 22, 2005

3:25 p.m.

DEPOSITION OF:

CHALON CARROLL DePRIM

A P P E A R A N C E S:

LAURI WALDMAN ROSS, ATTORNEY AT LAW
 Two Datran Center
 9130 South Dadeland Boulevard
 Suite 1612
 Miami, Florida 33156

Appearing on behalf of the Florida
 Judicial Qualifications Commission.

MARC L. LUBET, ESQUIRE
 209 East Ridgewood Street
 Orlando, Florida 32801

Appearing on behalf of John R. Sloop.

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I N D E X

TESTIMONY OF CHALON CARROLL DePRIM:

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1 The deposition of CHALON CARROLL
2 DePRIM was taken on Thursday, September
3 22, 2005, beginning at 3:25 p.m., at the
4 office of Marge Raeder Court Reporter,
5 Inc., 999 Douglas Avenue, Suite 3307,
6 Altamonte Springs, Florida, before
7 Margaret L. Raeder, Certified Electronic
8 Reporter and Transcriber, Notary Public,
9 State of Florida at Large.

10 - - - - -

11 Whereupon,

12 CHALON CARROLL DePRIM,
13 having been first duly sworn by the reporter, testified
14 as follows:

15 DIRECT EXAMINATION

16 BY MS. ROSS:

17 Q Could you state your name, please?

18 A My name is Chalon Carroll DePrim.

19 Q And could you give us your address?

20 A 2833 Buccaneer Drive, Winter Park, Florida
21 32792.

22 Q And by whom are you employed?

23 A Public Defender's Office of the Ninth
24 Judicial Circuit.

25 Q And that's in Orange County?

1 A Orange County.

2 Q For how long have you been a Public Defender
3 in Orange County?

4 A Orange County, I started there August 1st of
5 this year.

6 Q Prior to that, what was your --

7 MS. ROSS: I'm sorry?

8 MR. LUBET: No. I'm just clearing my throat.

9 MS. ROSS: Oh. Okay. I thought you wanted
10 it to delay, Marc.

11 MR. LUBET: Oh, no. No. No.

12 BY MS. ROSS:

13 Q Prior to going to work for the Public
14 Defender's Office in Orange County, could you give us
15 the benefit of your work experience?

16 A Prior to that, I worked at the Public
17 Defender's Office in Seminole County for -- since
18 February the 2nd of 2003. I think that's right.

19 Prior to that, I was an associate for Richard
20 West. I did family law. That was about six months
21 long. and prior to that, I was an Assistant State
22 Attorney in Orlando for close to two years.

23 Q Okay. Just so I get it straight --

24 A Um-hum.

25 Q -- when was it you graduated from law school?

1 A May of 2001.

2 Q And when were you admitted to the Bar?

3 A August -- September of 2001.

4 Q Then in the order of your employment, does it
5 start with Assistant State Attorney?

6 A Right.

7 Q And then an associate for Richard West. Then
8 you worked as a Public Defender in Seminole County and
9 then you went to work for the Public Defender's Office
10 in Orange County?

11 A Yes.

12 Q Okay. So approximately how long did you
13 spend as an Assistant State Attorney?

14 A From the date of hire, which was the first or
15 second week of August of 2001, I started as a CLI until
16 -- not the following May but the May after which would
17 have been 2003.

18 Q Okay. So approximately a year-and-a-half as
19 an Assistant State Attorney?

20 A Yes.

21 Q And then six months in private practice and
22 approximately two-and-a-half years as an Assistant PD?

23 A Yes.

24 Q So you've seen it from both -- you've seen
25 the criminal practice from both sides?

1 A Yes.

2 Q On occasion to run into Mr. Lubet?

3 A On occasion, yes.

4 MR. LUBET: Oh, yes. She has run into me a
5 few times.

6 THE WITNESS: A few times.

7 MS. ROSS:

8 Q Doing family law as well as doing criminal or
9 just criminal?

10 A I think only criminal.

11 Q Okay. How do you know Judge Sloop?

12 A I was assigned to his courtroom when I was in
13 Seminole County probably around July.

14 Q July of what?

15 A 2004. I was assigned there to be -- they had
16 a Public Defender in each courtroom. I was the only
17 one in that courtroom.

18 Q And for how long were you assigned to Judge
19 Sloop's courtroom?

20 A Until he -- until he left the courtroom,
21 which was in mid-December.

22 Q About 2004. So approximately six months?

23 A Yes.

24 Q Who was your counterpart at the State
25 Attorney's Office?

1 A Oh, dear. There were -- there were quite a
2 few of them. I can't remember who it started off with.
3 Largott Antag [ph] was one; Drew Story. He was the one
4 that was there when I started. E'Carl Jourdean. It
5 was those two when I started. Then it went to -- I
6 believe then it went to Laura and then Kyan Ware. No.
7 No. Strike that.

8 It was -- I think it -- he was in another
9 courtroom afterwards. So I think it was only those
10 three.

11 Q So you were the sole Assistant Public
12 Defender with Judge Sloop --

13 A Yes.

14 Q -- and there were approximately three or four
15 Assistant State Attorneys during that time period?

16 A Yes.

17 Q During the six months that you sat in Judge
18 Sloop's courtroom when you were assigned to
19 misdemeanors?

20 A Yes.

21 Q I take it from Mr. Lubet's statements that
22 you were present in the courtroom on December 3rd,
23 2004?

24 A I was.

25 Q Okay. Can you tell us how that came about?

1 A He was doing arraignments. Judge Sloop was
2 doing arraignments and he told us -- us meaning me, the
3 prosecutor, myself, the Public Defender and the Clerks
4 he was going to do something different that day. He
5 was going to try and manage his docket differently.

6 And didn't know -- he said he didn't know if it
7 would work but if it did, great. If not, he would go
8 back to the way that he had usually managed it. A lot
9 of the other county judges would use a practice where
10 they would call the docket. If someone wasn't there,
11 issue the bench warrant when the person wasn't there
12 and then continue calling the docket.

13 Judge Sloop had always run through the
14 docket, waited and then called it again at the end.
15 This time he thought it would be more efficient to do
16 it the way the other judges had.

17 Q Now, do you know whether he had done the same
18 thing on December 2nd?

19 A No.

20 Q So when he told you he was trying something
21 different, you don't know if whether he was trying
22 something for different for the week or something
23 different for the day?

24 A No. He said for the day to see if it worked.

25 Q And you don't know whether he had already

1 done it the day before?

2 A He didn't do it the day before.

3 Q December 2nd he didn't do it?

4 A No. I was there the whole -- the whole week.

5 Q Did he continue doing it after December 3rd?

6 A No. He wasn't in the courtroom after that.

7 Q So this was a practice which was one day
8 only?

9 A Yes.

10 Q What did Judge Sloop do that day in terms of
11 calling docket?

12 A Well, he started at the time he usually
13 starts which was, I believe, promptly at nine o'clock.
14 I could be wrong. Maybe he started at 8:30. But it
15 was exactly when he started. He started with "A", went
16 through the end of the alphabet.

17 Q So he called everybody alphabetically?

18 A Yes. Called alphabetically and when people
19 didn't answer, he paused, called the name again, and
20 said, you know: Revoke bond, issue capias.

21 After several of them didn't appear, he
22 looked confused. He -- he kind of had a look -- he
23 kind of had a look on his face of something weird's
24 going on here or it's really strange that not all these
25 people are here, that all these people are missing.

1 Q Did he say something or is this something
2 that you're implying by inference from the look that
3 you saw on his face?

4 A No. It was kind of like -- it was kind of
5 like a roll of the eyes and a shrug when he got to a
6 next one, like, I don't know gesture, but he kept going
7 because then there would be the next person there would
8 be there.

9 Q There was a shrug and a keep going when
10 you're reading an awful lot into a shrug?

11 A Yes.

12 Q So after multiple people didn't show up, did
13 he say anything on the record?

14 A I don't remember.

15 Q What happened next?

16 A Next, I got -- I finished my things. I put
17 my things together and I left and he left.

18 Q And the State Attorney, I assume, left?

19 A Yes.

20 Q What happened on your way out? Did the
21 Bailiff walk the courtroom?

22 A I don't know.

23 Q Who was in the courtroom that day besides
24 you, the State Attorney and Judge Sloop and all of the
25 defendants who appeared in court?

1 A The clerks.

2 Q Who were they?

3 A I don't know. I don't recall who they were.
4 I'm sorry.

5 Q Was there more than one?

6 A Yes. There were usually two.

7 Q Were you present when people were arrested
8 that day?

9 A No. In fact, I found out from the deputies
10 downstairs. They had -- they were coming down the hall
11 from courtroom -- from the direction of Courtroom B.
12 One of them -- one of them stopped and said: Did you
13 see what happened this morning?

14 And -- and I said: No. What happened?

15 And he told me: Well, a whole bunch of
16 people that failed to appear got arrested. We had to
17 -- we had to arrest a bunch of people.

18 Q Who was the deputy who stopped you and talked
19 to you about it?

20 A I believe it was Kennedy. I could be wrong
21 but I believe that was him.

22 Q Mike Kennedy?

23 A Yes.

24 Q When you left the courtroom that day, who did
25 you leave behind? Was there more than one Bailiff?

1 We're talking December 3rd, 2004.

2 A I -- I didn't notice the Bailiffs. I don't
3 remember which Bailiffs were in there. There was
4 always at least one.

5 Q Okay. One of those would be Olive Siska [ph?

6 A Yes.

7 Q When you left the court -- well, strike that.

8 You indicated that that day the judge would
9 say when a person didn't show up, he would indicate
10 that issue a -- issue a capias to the person and revoke
11 the bond?

12 A Yes.

13 Q Okay. Now, at what point does a Public
14 Defender get appointed for somebody who's about to be
15 arrested?

16 A We don't. We don't get appointed if
17 someone's not there. They have to fill out an
18 affidavit of indigency and turn it in. The judge and
19 the clerk have to approve it, so if someone's about to
20 be arrested, no one's appointed.

21 Q So they have nobody there to represent them
22 if their bond was being revoked?

23 A Unless they had been previously appointed to
24 the Public Defender's Office.

25 Q Okay.

1 A Which they may have been at initial
2 appearance, but not all of them.

3 Q Okay. So you weren't present that day
4 everybody was arrested. You don't know what happened
5 that morning?

6 A No. Not the arrests.

7 Q And the only thing that you heard was after
8 the fact from Mike Kennedy?

9 A Of what happened, yes.

10 Q Of what happened. Now, I understand -- do
11 you have anything to add to what happened that day that
12 you were present for?

13 A In that morning?

14 Q Or that afternoon. Were you appointed to
15 represent any of the people that afternoon?

16 A I was not appointed and I was not at the
17 jail, I don't believe.

18 Q Okay. Do you have any information to shed on
19 anything that happened that day other than the fact
20 that you were present in the courtroom when the judge
21 was calling the calendar?

22 A Not that morning, no.

23 Q Okay. Any other day?

24 A What do you mean by, any other day?

25 Q Well, is the gist of your testimony that the

1 judge was doing something that different that day in
2 terms of calling the calendar --

3 A He was.

4 Q -- than had been his normal practice?

5 A He was.

6 Q And if you were in his courtroom regularly,
7 it would be incorrect to say that he used the same
8 practice that entire week?

9 A Correct.

10 Q He only did it that one day?

11 A Yes.

12 Q And he told you at the offset he was going to
13 try something new on December 3rd?

14 A Yes.

15 Q He didn't do it on December 2nd?

16 A No.

17 Q Okay. During the time period that you spent
18 in Judge Sloop's courtroom, I would assume that you got
19 to know him fairly well in terms of his demeanor --

20 A Yes.

21 Q -- and ability?

22 A Yes.

23 Q Did you find him to be careless?

24 A No.

25 Q Did you find him to be inattentive?

1 A No.

2 Q Did you find him unable to listen?

3 A No.

4 Q Did you find him easily distracted?

5 A I -- I don't think so. I -- he didn't -- he
6 didn't appear any different than any other judge I've
7 been in front of.

8 Q Did he appear to you to be forgetful?

9 A No.

10 Q Did he appear to you to be restless?

11 A Yes.

12 Q And how -- how frequent an occasion?

13 A He always seemed to have -- he always seemed
14 upbeat. He always moved quickly.

15 Q He moved quickly?

16 A Yes.

17 Q And is that what you're equating to being
18 restless?

19 A Well, if you -- what would you define
20 restless as?

21 Q Restless; unable to pay attention, unable to
22 concentrate, very easily distracted.

23 A I don't know how his concentration was. I
24 know that he -- he did fidget and he did move quickly.

25 Q Okay. And when you say move quickly, are you

1 talking about how he handled the docket?

2 A He often did go through the docket quickly
3 but we could keep up. We always were able to keep up
4 with him.

5 Q And you know from experience that some judges
6 carry a rocket docket and other judges go somewhat
7 slower?

8 A Correct.

9 Q And Judge Sloop fell into the rocket docket
10 category?

11 A I wouldn't say rocket docket, but he did run
12 it quickly. He ran it efficiently.

13 Q Okay. So you didn't think he was
14 inefficient?

15 A No.

16 Q You didn't think he made careless mistakes or
17 errors?

18 A I didn't notice any. At least in my opinion
19 I don't think he made careless errors.

20 Q Okay. Did you see him get up from his seat
21 frequently when he was supposed to be sitting?

22 A Yes.

23 Q And where would he go?

24 A He'd have to -- he would take breaks. He
25 would take a five-minute break. He would go back to

1 the chambers, drink a cup of coffee, come back out,
2 walk around.

3 Q Was he calmer when he had a cup of coffee?

4 A He had to have his coffee in the morning. He was
5 --

6 Q Don't we all.

7 A Right. But it was -- if he didn't have
8 coffee in the morning before we got together, meaning
9 all of us -- all of us on the docket would get together
10 and go over what was going to happen. If he didn't
11 have his coffee, he'd -- no one wanted to be around
12 him. He -- he operated much more efficiently on
13 caffeine.

14 Q So do I. [Laughing]

15 THE WITNESS: [Laughing]

16 MR. LUBET: You know I'm glaring at you.

17 [Laughing]

18 MS. ROSS: I know.

19 BY MS. ROSS:

20 Q Did he appear to listen to you --

21 MR. LUBET: And this is totally unrehearsed.

22 Have I talked to you about any of this testimony?

23 THE WITNESS: No.

24 MR. LUBET: Okay.

1 BY MS. ROSS:

2 Q Did he appear to listen to you?

3 A Yes. He always listened to me.

4 Q Did he appear to understand what your
5 arguments --

6 A Yes. And I found him very -- I found him
7 fair. I found him to be honest, brighter than many of
8 the -- many of the other individuals on the bench
9 there.

10 Q Okay. Now, let's talk about anger for a
11 second. Did you see Judge Sloop ever explode at
12 people?

13 A Yes. I did see him -- explode may not be the
14 right word but I have seen him yell.

15 Q Okay. And is there anything in particular
16 that would set him off?

17 A People not doing -- people who didn't do --
18 he gave a lot of people chances.

19 Q Um-hum.

20 A Put people on probation. They'd come back
21 for violating. He'd give them another chance and if
22 they didn't take the opportunity to -- to take
23 advantage of what he had given them, like ordered them
24 to drug treatment or ordered them to anger management
25 -- batterer's intervention class was a big one -- if

1 they didn't do the things that he had ordered them to
2 do and it was always -- it was always something, some
3 sort of personal improvement thing and if they didn't
4 do it, he got angry.

5 Q So in your opinion, it would be well founded
6 anger?

7 A If it was -- if it was me getting angry, yes.
8 I often got angry at my clients for not doing these
9 things either. Not because I wanted them to be better
10 people, but because I -- I did not want them to mess
11 up. And that was one thing and another thing, drugs.

12 He -- there's one phrase he always said when
13 he put people in jail or when he threatened to, which
14 was: If I have to take a year out of your life to save
15 your life, I'm going to do it.

16 And I remember he said that several times to
17 different people when he sentenced them to --
18 especially the one's that got really long jail
19 sentences.

20 Q Okay. Did you notice Judge Sloop losing
21 things?

22 A No.

23 Q Or did appear to keep a messy bench or --

24 A Oh, yes.

25 Q -- or messy office?

1 A Oh, yes. His office was a mess.

2 Q Did he appear to be forgetful?

3 A I don't -- I don't think so. He never missed
4 court dates. He occasionally misplaced things in the
5 office but the office was a mess.

6 Q Okay. Did he interrupt people?

7 A Yes.

8 Q Was he abrasive?

9 A Yes.

10 Q Arrogant?

11 A I -- I don't think I'd call him arrogant.

12 Q Well, did he talk down to people?

13 A Sometimes.

14 Q Did he berate them?

15 A Explain berate.

16 Q Berate. Does anybody have a dictionary?

17 Berate. Lecture --

18 A He did lecture.

19 Q -- talk to them in a demeaning term?

20 A I wouldn't say demeaning, but he did lecture.

21 Q Okay. Now, when I talked about exploding,
22 you ever seen Judge Sloop lose his temper and a huge
23 outburst at somebody that seemed to come from nowhere?

24 A One time.

1 A The woman who didn't pay her fines who ended
2 up on TV. That was the one time I saw him.

3 Q You've never seen him act like that before?

4 A No. I've seen him yell. I've seen him yell
5 at people. I've seen him lecture people. I've seen
6 him go on too far. But that was -- that was probably
7 the only time I can remember that I would say he had an
8 explosive temper.

9 Q And that was with regard to Mercano [ph]?

10 A I don't remember what her name is but --

11 Q Mercano on October 18th, 2004?

12 A Um-hum.

13 Q What caused you to see the videotape?

14 A I was there.

15 Q You were actually in the courtroom when that
16 happened?

17 A Yes.

18 Q Did you say anything to him afterwards?

19 A I don't recall if I said anything to him.

20 Q And you never seen him act like that before
21 or since?

22 A Not like that.

23 Q What was it that was so different about that
24 day?

25 A There was something different about her. I

1 think -- she didn't pay her court fine since, like,
2 1990 or some really far off date. At that -- that
3 incident -- that yelling at her seemed to come out of
4 nowhere.

5 Q Okay. And he didn't let her explain
6 anything; did he?

7 A No.

8 Q Have you watched the videotape since?

9 A Yes.

10 Q And did you find it in any way contrary to
11 what you would expect from a judge?

12 A Yes.

13 Q But I think your testimony is that that was
14 out of the norm for him?

15 A Yes. It was.

16 Q Okay. And you never saw him during your six
17 months in front of him -- that was the one and only
18 occasion you saw him act that way towards a defendant.

19 A That badly. I've seen him yell at defendants
20 and I have seen him probably go too far but I have
21 never seen him act like that before or after.

22 Q That's where you left shortly after -- well,
23 strike that.

24 MR. LUBET: It was like a month --

1 BY MS. ROSS:

2 Q A month-and-a-half. It was a month-and-a-
3 half. You remained in his courtroom another month-and-
4 a-half because he stayed in criminal court through
5 December?

6 A Yes. Until he left, I was in that courtroom.

7 Q And you never saw anything like that since?

8 A Not like that.

9 Q Okay. Now, I understand that you're a
10 character witness for the Judge. Tell us what you
11 would like to with regard to the Judge's character.

12 A Can you ask me a few questions so I'm going
13 in the right direction?

14 MS. ROSS: [Laughing] Marc you want to take
15 it from there?

16 MR. LUBET: Sure. I'll take it from here.

17 MS. ROSS: Okay.

18 MR. LUBET: Carrie, tell -- tell us if you
19 would on the record how would you -- how would you
20 describe Judge Sloop as a judge?

21 THE WITNESS: I would say he was intelligent.
22 He -- he knew the law as a judge. I would say
23 that he needed to -- he needed to calm down. He
24 often -- he often did yell at defendants but as a
25 judge, he was feared. Everyone was -- nobody

1 wanted to go in front of him.

2 MR. LUBET: Why?

3 THE WITNESS: Because there were rumors about
4 him.

5 MR. LUBET: Like what?

6 THE WITNESS: There were rumors that he -- if
7 you took any case to trial or had a case sentenced
8 in front of him, he would give you the max.

9 MR. LUBET: Was that true in your experience?

10 THE WITNESS: No.

11 MR. LUBET: You tried cases in front of him?

12 THE WITNESS: Yes.

13 MR. LUBET: And did he max everybody who came
14 in front of him?

15 THE WITNESS: No. I had sentencing -- I had
16 one sentencing in particular in front of him and I
17 had pled a person and didn't like the State's
18 offer and it was a domestic battery on a girl's
19 mother. Put on witnesses for mitigation and we
20 knew full well that he could possibly give her the
21 max or he could possibly give her fines. We
22 didn't know.

23 But I left it -- I left the sentence in his
24 hands. And he made what I thought was a -- he
25 made what I thought was a rational choice. He

1 placed her on probation, gave her anger-management
2 classes and ordered her to stay on her Methadone
3 treatment. And that was it.

4 MR. LUBET: Let me ask you a question about
5 -- you know Judge Sloop has said he has ADHD.

6 THE WITNESS: Yes.

7 MR. LUBET: Do you know what that is?

8 THE WITNESS: Yes.

9 MR. LUBET: Okay. How do you know what that
10 is?

11 THE WITNESS: I have it.

12 MR. LUBET: You're ADHD?

13 THE WITNESS: I have ADHD.

14 MR. LUBET: Okay. Do you see any -- have you
15 read up on the subject?

16 THE WITNESS: Oh, yes.

17 MR. LUBET: You know what it's all about.

18 THE WITNESS: Yes.

19 MR. LUBET: You know the symptoms and signs
20 of it?

21 THE WITNESS: Yes.

22 MR. LUBET: Do you see any of those signs or
23 symptoms within Judge Sloop?

24 THE WITNESS: Absolutely.

25 MR. LUBET: In what way do you see them?

1 THE WITNESS: Sometimes he would have manic-
2 pressured speech. Sometimes he would not stay on
3 one topic when you were talking to him.

4 He didn't have the forgetful -- he didn't
5 really have the forgetfulness. He had rituals
6 that he did to keep him from forgetting things.
7 Had his keys in one spot. Had his -- had his gun
8 locked up in another spot. Had to go through the
9 exact same ritual when he was leaving -- leaving
10 the chambers.

11 He would go -- he would get the keys, take
12 the gun out, lock the case back up, pat the
13 pockets to make sure he had everything.

14 He was -- he interrupted when talking. Not
15 necessarily -- I don't know if he could say he
16 interrupted defendants all the time but when he
17 was talking in general, like, off the bench --
18 I've also spoken to him off the bench, he -- he
19 interrupts. He acts a lot like I do.

20 MR. LUBET: Do -- do you have -- and I know
21 you're friends with Judge Sloop --

22 THE WITNESS: Yes.

23 MR. LUBET: -- but do you feel that you would
24 have any fear yourself of going in front of Judge
25 Sloop as a defendant, if you were a defendant?

1 THE WITNESS: No. Not at all.

2 MR. LUBET: Do you feel he's a fair judge?

3 THE WITNESS: I feel he's fair and I bring
4 your attention to one person in particular, a girl
5 named Electra Burnett. I don't remember the date.
6 She was a violation of probation. Didn't do
7 anything. Didn't report. Didn't do anything.
8 This was the most compassionate that I've ever
9 seen him and it actually was another thing I'll
10 never forget because she was -- I prepared her to
11 go to jail. She hadn't done anything. Hadn't
12 reported. Had left the state. Finally came back
13 and got arrested just because she was back.

14 She -- she just went off and told him her
15 story. And her story was that she was with her --
16 had been living with her mother and some relatives
17 and they were all using drugs and she finally
18 realized it was wrong. She moved away and she --
19 she was crying and it was -- it was sincere. She
20 talked about moving out of the drug environment
21 and how she had started her GED and how she seemed
22 to have turned herself around.

23 And he talk -- he spent a very long time
24 talking to her about how she had done the right
25 thing, how it took a lot of courage to do what she

1 did. And he said: Ms. DePrim, you are standing
2 right -- you are standing next to a winner.

3 I remember him say -- he said that to me.

4 MR. LUBET: And he treated her fairly?

5 THE WITNESS: Yes. She didn't go to jail. I
6 don't know -- I don't know what the consequences
7 were for her. I think they were monetary. I
8 think she had to pay fines.

9 MR. LUBET: Would it be fair to say that
10 Judge Sloop when he yelled at people and seemed to
11 get really angry with people was because they
12 weren't following instructions from him that he
13 had hoped would help them?

14 THE WITNESS: Absolutely. He has told me
15 personally off the bench that he is -- that he
16 wants to change his behavior. He thinks the role
17 of a judge is to modify -- that was the word -- to
18 modify behavior. To help, I guess in a sense, to
19 help people stop committing crimes.

20 MR. LUBET: Did you find that most of his
21 sentences were aimed in that direction?

22 THE WITNESS: Absolutely.

23 MR. LUBET: Okay.

24 THE WITNESS: Absolutely. They were. He
25 always sentenced people to drug treatment. If

1 they -- if they didn't do the outpatient
2 treatment, he would put them in jail and he would
3 sentence them to the RAP program which is an
4 in-jail drug program. And that is where I would
5 hear him say over and over: If I have to take a
6 year out of your life to save it, that's what I'll
7 do.

8 But batterer's intervention, anger
9 management, things like that. And especially
10 drugs.

11 MR. LUBET: So you didn't -- did you ever see
12 him sentence anybody to a sentence that you
13 thought was done just out of pure meanness?

14 THE WITNESS: No. No. There was a reason.
15 I thought that there were some that were -- some
16 that were excessive although legal but there were
17 none that were just done because someone -- just
18 for no other reason than he didn't appear to like
19 them.

20 MR. LUBET: Okay. Were the other judges
21 doing the docket -- doing their dockets the way
22 Judge Sloop did on the 2nd?

23 THE WITNESS: I recall he -- he did that on
24 the 3rd.

25 MR. LUBET: I'm sorry. On the 3rd.

1 THE WITNESS: I recall Judge Marblestone
2 having done that because I was in front of him for
3 a while. I recall him -- him having done the same
4 procedure.

5 MR. LUBET: So they would call the docket and
6 nobody's there issue the warrant?

7 THE WITNESS: Correct.

8 MR. LUBET: Okay. And if the person got
9 there before the docket was over generally then
10 withdraw the warrant before the judge left the
11 bench?

12 THE WITNESS: Yeah. Oh, yeah. Yes. they'd
13 make them wait until the end but they were --

14 MR. LUBET: But once the judge left the
15 bench, generally the people would be arrested if
16 they showed up; is that correct?

17 THE WITNESS: Right.

18 MR. LUBET: Okay.

19 THE WITNESS: They wouldn't bring the judge
20 back.

21 MR. LUBET: Okay. The judges would not come
22 back on the bench normally?

23 THE WITNESS: No.

24 MR. LUBET: Okay. Mercano was that the
25 lady's name?

1 MS. ROSS: Mercano.

2 MR. LUBET: Mercano. You were in court that
3 day --

4 THE WITNESS: I was.

5 MR. LUBET: -- you saw him explode at her?

6 THE WITNESS: I was.

7 MR. LUBET: Okay. We will all acknowledge, I
8 assume, that that was wrong.

9 THE WITNESS: Yes.

10 MR. LUBET: Okay. Before Mercano's case and
11 after her case, did you see that same demeanor
12 from Judge Sloop?

13 THE WITNESS: Nothing stood out. That was
14 the sentence review to see if people had paid
15 their fines. And nothing stood out. I -- I
16 remember being surprised at it because it was --
17 it was offensive. It was shocking. But that
18 wasn't what I had been hearing.

19 MR. LUBET: Okay. Was Judge Sloop's usual
20 practice at docket -- I believe you said at
21 docket, arraignment, was to call the docket --

22 THE WITNESS: Yes.

23 MR. LUBET: -- correct?

24 THE WITNESS: Yes.

25 MR. LUBET: If the people didn't respond, he

1 would not issue a warrant. He would wait until
2 the very end of the docket and recall those people
3 that didn't respond?

4 THE WITNESS: Correct.

5 MR. LUBET: And then if they didn't respond,
6 a warrant was issued; is that correct?

7 THE WITNESS: Correct.

8 MR. LUBET: Okay. Have you -- you've been
9 around Judge Sloop this year some; have you not?

10 THE WITNESS: I have.

11 MR. LUBET: I mean, as a friend you've
12 stopped by his office, said hello --

13 THE WITNESS: Yes.

14 MR. LUBET: -- and so forth? He is now --
15 you know he's on medication?

16 THE WITNESS: Yes.

17 MR. LUBET: Have you seen a change in him
18 since he's started taking the medication?

19 THE WITNESS: He seems calmer. He does seem
20 a little bit more focused. I haven't seen him on
21 the bench so I don't know how he is. The office
22 actually is a little cleaner. I don't know.
23 [Laughing]. It's a little more organized. In
24 fact, it's a lot more organized.

25 MR. LUBET: Okay. Thank you. One last

1 question I have for you.

2 Do you know any efforts whatsoever by the
3 Public Defender's Office to have the JQC get
4 involved in Judge Sloop's life? Did you ever hear
5 anything about that?

6 THE WITNESS: Yes.

7 MR. LUBET: What did you hear?

8 THE WITNESS: There was a case, State versus
9 Jones. It was actually a DUI case that I
10 co-counseled or I had co-counsel on.

11 MR. LUBET: Is that the Jones -- I think
12 that's the Jones case that's involved in this.

13 THE WITNESS: It is but that's not -- but the
14 issue that's alleged in -- it is the same case but
15 the issue that's alleged in the complaint is not
16 the issue that --

17 MR. LUBET: Okay.

18 THE WITNESS: -- that I was part of.

19 MR. LUBET: But you were involved in that
20 case?

21 THE WITNESS: Yes. I was. That case was --
22 ended up in a hung jury. It was a DUI. After
23 that, he sentenced -- the Judge sentenced him to
24 an illegal sentence on a traffic ticket.

25 MR. LUBET: Judge --

1 THE WITNESS: Judge Sloop.

2 MR. LUBET: -- Sloop?

3 THE WITNESS: Sentenced -- gave an illegal
4 sentence on a traffic ticket on the reckless
5 driving, I believe it was. Andrea Armas, who is
6 the supervisor of the misdemeanor division in --
7 in the Seminole PD's office, appealed it. I saw
8 on her desk a transcript of that particular
9 sentencing and I also saw -- it was either -- the
10 page was either titled or it -- there was another
11 page or something that said Judicial
12 Qualifications Committee. She also said -- told
13 me that this was going to the JQC.

14 MR. LUBET: Because of him doing an illegal
15 sentence?

16 THE WITNESS: Because -- no one liked him
17 there. And I don't know if it was because of the
18 illegal sentence or if it was because no one liked
19 him.

20 MR. LUBET: No one in the PD's office liked
21 him?

22 THE WITNESS: No. No one liked him. And, in
23 fact, after the incident that happened with people
24 going to jail and his photograph and the story was
25 in the news, there was Xerox copies made of it and

1 hung up on all the doors.

2 MR. LUBET: So they were kind of celebrating?

3 THE WITNESS: Yes. Yes. You could say it
4 was celebrating. In fact, if I can say how I met
5 him the first time. He heard a rumor that --
6 well, first I didn't want to go to his division
7 because --

8 MR. LUBET: Because you had heard about him?

9 THE WITNESS: -- I heard about him and I
10 didn't want anything to do with him. He had heard
11 a rumor somehow that I refused to attend
12 pre-trials at 7:30 in the morning. He set his
13 pre-trials for Public Defender clients at 7:30 in
14 the morning and somehow he heard that I just said
15 I wasn't going.

16 And it was -- I believe the day -- a day or
17 two before I was to go to his division where he
18 personally showed up at my office and expected --
19 I didn't know he was coming. I turned around and
20 there he was. And he introduced himself and he
21 said: I hear you're not coming to pre-trials on
22 -- at 7:30 in the morning. If it's more
23 convenient for you would you like us to set it at
24 8:30?

25 But to dispel that, he just came right over.

1 You know, he didn't -- he didn't just wait until I
2 didn't just show up.

3 MR. LUBET: Was -- in your experience is it
4 unusual if Judge Sloop does do something, for
5 instance, yelling at somebody or -- or saying
6 something to a lawyer in an angry manner, is it
7 unusual for him to apologize? Have you heard him
8 apologize to other attorneys?

9 THE WITNESS: No.

10 MR. LUBET: Okay.

11 THE WITNESS: I -- I don't think I've heard
12 him.

13 MR. LUBET: The reason I asked is -- well,
14 I'll tell you later.

15 MS. ROSS: Okay.

16 THE WITNESS: No. I don't think -- no.

17 MR. LUBET: Was he pleasant to Public
18 Defenders in chambers when they all got together?

19 THE WITNESS: Very much.

20 MR. LUBET: Okay.

21 THE WITNESS: That's how I -- I did become
22 friends with him.

23 MR. LUBET: Okay. Do you know anything about
24 Judge Sloop's off-the-bench work?

25 THE WITNESS: Yes.

1 MR. LUBET: Things he does off the bench?

2 THE WITNESS: Yes.

3 MR. LUBET: Tell us a little bit about what
4 you know about that, if you would.

5 THE WITNESS: He's very -- he's very into
6 community service. I know that he has something
7 to do with Habitat for Humanity and actually
8 builds houses for Habitat for Humanity. He's
9 involved in the Boy Scout Leaders Troop. And I
10 know this because he's invited my husband and I to
11 participate with -- with this.

12 He's worked at -- there was a -- there was a
13 pancake breakfast or something -- some sort of,
14 like, benefit that -- that he worked at. There
15 was a barbeque benefit that he did.

16 What I most remember is him doing the Habitat
17 for Humanity. In fact, he brought in one of the
18 women whose house he built. He brought in -- she
19 had given him this little photo album and he
20 brought it in and he showed me. And her house --
21 her house got split in half by a tree, I think,
22 after the hurricane and there were pictures of the
23 building being done in part -- in process and it
24 being fixed.

25 And there were pictures of him with another

1 guy working on it, like, hauling tree limbs and
2 doing -- doing construction.

3 MR. LUBET: To your knowledge, is this a
4 normal thing for him to do or is this an
5 exceptional thing?

6 THE WITNESS: No. It is a normal thing
7 because I know he's always -- it seems like -- it
8 seemed like he was always involved in something
9 and he asked quite a few times, he invited my
10 husband and I to participate.

11 MR. LUBET: To help build houses?

12 THE WITNESS: To help build houses, go to the
13 -- go to one of the Boy Scout retreats that --
14 that they put on.

15 MR. LUBET: So in your -- from what you
16 understand, he's very active in community service?

17 THE WITNESS: Yes.

18 MR. LUBET: All right. Is there anything
19 else that you would like to add that we haven't
20 gone over about Judge Sloop; anything you'd like
21 to say?

22 Well, let me ask you this. Do you feel Judge
23 Sloop should remain on the bench?

24 THE WITNESS: Yes. I feel like this -- my --
25 this is my personal opinion. I think this

1 situation got blown way out of proportion. He
2 admitted that he made a mistake. He even told me:
3 I messed up. I'm sorry. I messed up. I -- I
4 should have done something different.

5 But I personally think that at the time he
6 -- at the time he issued the warrants, I think he
7 did what he -- he didn't realize -- I don't think
8 he realized what he was doing. There was no
9 malice in it. There was no, you know, he never --
10 there was just nothing, no anger or malice in it.

11 And I -- I feel that he's being targeted.
12 And I feel this because it's almost like this
13 incident happened and it just blew up and it won't
14 stop.

15 MR. LUBET: Have you ever in your -- other
16 than your experience with Ms. Mercano -- have you
17 ever seen Judge Sloop sentence somebody or treat
18 somebody with malice -- I'm not talking about
19 anger, but malice in his courtroom?

20 THE WITNESS: No.

21 MR. LUBET: Mean to be mean?

22 THE WITNESS: No. I've seen anger. I -- I
23 have not seen. I have never seen malice. I've
24 never seen anything just inherently bad.

25 MR. LUBET: Okay.

1 BY MS. ROSS:

2 Q The Mercano incident --

3 A Yes.

4 Q -- just so we're clear. -- you referred to
5 that as offensive and shocking.

6 A Yes. Yes. It was shocking.

7 Q And you're talking about Judge Sloop's
8 conduct; not the defendant's conduct?

9 A No. His conduct at that time was shocking to
10 me and unexpected.

11 Q Now, let's talk for a second about the
12 arrest; okay?

13 You represent people who are either on the
14 verge of or have lost their liberty?

15 A Correct.

16 Q So you understand how important it is that
17 people have their liberty?

18 A Yes.

19 Q And that being jailed for no reason is
20 improper?

21 A Yes.

22 Q Okay. Now, you've referred when you talking
23 about the arrest as being blown out of proportion that
24 Judge Sloop had a basis for issuing the arrest
25 warrants?

1 A I didn't say he had a basis. And what was
2 out of proportion -- I say that this entire incident
3 with him showing up in the newspaper and in the media
4 -- this incident led to a barrage of negative publicity
5 against him and that's what went out of proportion. As
6 far as issuing those warrants, I don't know of a judge
7 that doesn't issue a warrant for a failure to appear.

8 Q Now, let me ask you: Are you aware of the
9 fact that before Judge Sloop actually wrote up the
10 arrest warrants, he was flat-out told that the people
11 were in the wrong courtroom at the wrong time before
12 those warrants issued?

13 A I am not aware of that.

14 Q Were you aware of the fact that the judge
15 says he didn't care?

16 A I am not aware of that.

17 Q Were you aware of the fact that two judges
18 went to Judge Sloop to talk to him about the arrest
19 warrants that had issued?

20 A I am not aware of that.

21 Q Were you aware of the fact that at least one
22 of those judges asked Judge Sloop about the people not
23 being in the courtroom at the right place at the right
24 time and Judge Sloop told him that he basically didn't
25 care?

1 A No. I am not aware of that.

2 Q Were you aware of the fact that Judge Sloop
3 responded to one of the other judges that: How did
4 they know that those people didn't walk off the street
5 late?

6 A I'm not aware of that and I can't comment on
7 it because that's someone else's testimony that
8 happened outside my presence. I don't know if it's
9 true or false.

10 Q I understand that. But when you indicate to
11 us that you think this entire incident was blown out of
12 proportion --

13 A Yes.

14 Q -- if Judge Sloop jailed 13 people after
15 having been told it was wrong, wouldn't you have a
16 problem with that?

17 A Being jailed when -- first of all, it was my
18 opinion that I think that this -- this entire thing has
19 been blown out of proportion. My personal opinion is
20 that I know I do this and I know everyone whose
21 probably done this at one point, really royally messed
22 something up and don't realize you're doing it at the
23 time.

24 And I've done things that I've been terribly
25 sorry for. I have accidentally hurt people. I've said

1 something hurtful. Everybody's done this. At the time
2 you're not intending any malice. You're not intending
3 to do anything but later you realize you screwed up.

4 And that's what -- that's what I personally think
5 happened. Now, intentionally jailing people, I don't
6 know what was going through his head when he signed
7 those warrants. I wasn't there when he signed the
8 warrants.

9 Q And you don't know how many times he was told
10 in advance that he shouldn't be doing this?

11 A I don't know and I wasn't there.

12 Q And you don't know whether he just dug his
13 heels in?

14 A No. I don't know that.

15 Q What you are, among other things, is his
16 friend and you would like to portray him in the best
17 possible light?

18 A That is not true.

19 Q You see him in the best possible light?

20 A I see him like I see everyone else. I see
21 his bad. I see his good. I am his friend and I care
22 about him. But if he did something wrong that I saw,
23 I'm not going to lie for him.

24 Q I didn't suggest -- and just so we're clear,
25 I didn't suggest that you would lie for him.

1 A Um-hum.

2 Q All I'm suggesting to you is that's always --
3 it's always when you look at a friend you look at the
4 good and the bad, but you try to see them in the best
5 possible light. It's human nature to try and see the
6 good in people.

7 A I try to see the good in -- in a lot of
8 people but I don't ignore his flaws. He is a flawed
9 human being.

10 Q And all I'm asking you about is, is there
11 anyway to justify Judge Sloop's actions if he, in fact,
12 was told, not once but several times, that these people
13 should not be in jail and he insisted on sending them
14 there anyhow?

15 A To justify his actions?

16 Q Yes.

17 A I believe that I'm not the one that would
18 have to justify anything that he did. I don't believe
19 it's my place to say yes or no.

20 Q Okay. And all you can do is -- strike that.

21 In terms of your opinion from what you've
22 seen, it would be an aberration?

23 A Describe what you mean by aberration.

24 Q This would be unusual for him?

25 A Yes.

1 Q And you think he deserves a second chance?

2 A Of course.

3 Q And that's really the thrust of your
4 testimony?

5 A I do believe he deserves a second chance
6 because I've done things that I didn't mean to do.
7 I've hurt people I haven't meant to hurt, people I care
8 about, my husband, my friends. I deserved a second
9 chance. I think everyone deserves a second chance and
10 I don't believe -- he is not a bad person, especially
11 now.

12 He is very upset about what happened. And
13 I've talked to him about what happened. And he wishes
14 he could take it back and he's told me that.

15 Q Do you know why it was that the Public
16 Defender's Office doesn't like Judge Sloop?

17 A I don't know. What I do know is I never
18 heard one single good thing about him. No one ever
19 wanted to go to his division. And there were comments
20 made afterwards that it was a good thing that he was
21 gone.

22 Q You've talked about your personal opinion of
23 Judge Sloop.

24 A Yes.

25 Q Do you know what his reputation in the

1 community was with regard to his fairness? Are you
2 familiar with that reputation?

3 A I -- I don't think -- you mean among the
4 legal community?

5 Q Among the legal community.

6 A I don't know enough people who have an
7 opinion of his -- I -- I don't know that community. So
8 I don't know what his reputation in that community is.

9 Q Do you know what is reputation in the
10 community -- community was at the time for anger?

11 A He -- maybe not anger but --

12 Q Temper?

13 A Temper. Yes. He did have a reputation for
14 having a temper.

15 Q Are you -- I hate to ask this but you've
16 injected: Are you on medication for ADHD?

17 A Yes. I am.

18 Q And has it helped you?

19 A Absolutely.

20 Q And does it help control the symptoms?

21 A Yes.

22 Q Do you believe that the medication would help
23 control the anger that you saw in Judge Sloop?

24 A Oh, yeah.

25 Q And have you seen it help him?

1 A Yes. I have. And I -- I experience ADD and
2 I know what it was like before I had it and now that
3 I've been diagnosed with it, I had -- I had a terrible
4 temper. Maybe it's part of my makeup. Maybe it's --
5 self-restraint is very hard to do when you have -- when
6 you have ADD. It's very hard to listen to a sentence
7 without jumping in and interrupting. And it's very
8 hard to like stop and rationalize and actually listen
9 to what somebody's saying before, you know, before
10 reacting.

11 So I see a difference in him and I think I
12 see it more because I have the same issue.

13 Q Has it -- were you diagnosed late in life?

14 A Yes. As an adult.

15 Q How -- I mean, how long ago?

16 A I'm twenty -- no. I'm 30 years old now. I
17 think I would have been diagnosed right after I
18 graduated law school, which would have been in 2002.

19 Q And did you ever discuss the personal issues
20 with Judge Sloop?

21 A Yes. After he was --

22 Q After he was diagnosed?

23 A Yes.

24 MS. ROSS: I have no further questions.

25 CROSS EXAMINATION

1 BY MR. LUBET:

2 Q Carrie, if, in fact, Judge Sloop did the
3 things that Ms. Ross said he did as far as knowing
4 these things and all, you would agree that was wrong;
5 is that correct?

6 A If he intentionally did it after knowing
7 that, -- yes. I would agree that's wrong.

8 Q He was wrong. And he's told you he was
9 wrong; correct?

10 A He has. He said: I was wrong. I'm sorry.

11 Q Have you seen any real remorse from Judge
12 Sloop?

13 A Yes.

14 Q And do you -- and you've known him almost a
15 year now?

16 A Yes.

17 Q Do you believe he is truly remorseful for
18 this?

19 A I do. He's talked about the effect that this
20 has had on him to me. He's -- he's said several times:
21 I wish I could go back and fix it, but I did it.

22 But he tells me at the time that there was
23 things -- that things were going on at the time he was
24 going through the docket. He didn't know why they
25 weren't there.

1 C E R T I F I C A T E

2 STATE OF FLORIDA:

3 COUNTY OF SEMINOLE:

4 I, Margaret L. Raeder, Certified Electronic
5 Reporter and Transcriber, Notary Public, State of
6 Florida at Large, do hereby certify that I reported the
7 deposition of CHALON CARROLL DePRIM, and that the said
8 witness was first duly sworn by me.

9 I further certify that the foregoing pages
10 numbered 3 through 49, inclusive, prepared under my
11 direction and supervision, constitute a true, complete
12 and accurate transcript of said witness, to the best of
13 my skill and ability.

14 I further certify that I am not of counsel
15 for, nor related to any party herein or attorney
16 involved herein, nor am I financially interested in the
17 outcome of this action.

18 WITNESS MY HAND AND OFFICIAL SEAL this 14th
19 day of November 2005.

20
21 MARGARET L. RAEDER, CERT*00245
22 Marge Raeder Court Reporter, Inc.
23 Electronic Reporter and Notary
24 Public, State of Florida at Large

1 SUBSCRIPTION OF DEPONENT

2 I, CHALON CARROLL DePRIM, have read the
3 foregoing deposition given by me on September 22,
4 2005, in Altamonte Springs, Florida, and the
5 following corrections, if any, should be made in
6 the transcript:

7 PAGE LINE CORRECTION AND REASON

8 Subject to the above corrections, if any, my
9 testimony reads as given by me in the foregoing
10 deposition.

11 SIGNED this day of November 2005.

12
13

CHALON CARROLL DePRIM

14 Inquiry Concerning Judge John R. Sloop
15 Supreme Ct Case No. 05-555

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407/489-7050

